

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VINCENT MICHAEL MARINO,)	
Petitioner,)	
)	
v.)	C.R. No. 97-40009-NMG-10
)	
UNITED STATES,)	
Respondent.)	

ORDER ON PENDING MOTIONS

Now before the Court are Vincent Michael Marino's request for a status report (Docket No. 1469) as well as his request for permission to file an appeal from the 4/28/11 Electronic Order denying motion numbers 1363, 1365, 1369 and 1370. See Docket Nos. 1396, 1409, 1469.

The Court's records indicate that in Marino's Section 2255 action, he was permanently enjoined from filing any papers, except for a notice of appeal, without first obtaining the prior written approval of a judge of this Court. See Marino v. United States, C.A. No. 03-40143-NMG (Docket No. 51).

Because Marino seeks to appeal an order entered in the instant criminal action, and not the subsequent Section 2255 action, the Court will permit the filing of the Notice of Appeal (Docket No. 1396). However, the Court's records indicate that Marino's second motion, assigned Docket No. 1409, is duplicative of Docket No. 1396. This second motion, see Docket No. 1409, was initially filed with the United States Court of Appeals for the First Circuit and is a duplicate of the motion previously filed and assigned Docket No. 1396. See Docket No. 1409-1 (letter from First Circuit Clerk of Court). This second motion will be construed as a misdirected

notice of appeal and denied.

Finally, Marino filed an eight-page document seeking a status report. See Docket No. 1469. Because Marino is permitted to appeal the Court's 4/28/11 Electronic Order, there is no need for a status report and such request will be denied.

Accordingly, it is hereby

ORDERED, that the request (Docket No. 1396) to file a notice of appeal is allowed and the clerk shall transmit the Notice of Appeal (Docket No. 1396) to the United States Court of Appeals for the First Circuit; and it is further

ORDERED, that the request (Docket No. 1409) to file a second notice of appeal is construed as a misdirected notice of appeal and is denied; and it is further

ORDERED, that the request (Docket No. 1469) for a status report is denied.

SO ORDERED.

October 17, 2012
DATE

/s Nathaniel M. Gorton
NATHANIEL M. GORTON
UNITED STATES DISTRICT JUDGE